

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

AMIDOOOLI PACHECO,
Petitioner,

v.

No. CV 10-0923 RB/WDS

GOVERNOR, Pueblo of Kewa or OFFICIAL,
Kewa Pueblo Tribal Court (formerly known as the Pueblo of Santo Domingo)

Respondent.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on Petitioner's Motion for Final Order Vacating Conviction filed December 13, 2011 [Doc. 17]; Respondent has not filed a response to the motion, failed to respond to the Court's July 19, 2011 Order to Show Cause, and failed to respond to Petitioner's initial filing, Petition for Writ of Habeas Corpus for Relief from a Tribal Court Conviction Pursuant to 25 U.S.C. §1303. The Court was earlier advised by counsel for the Warden of the Regional Correctional Center that he had been told by Kewa tribal officials that they had no intention of responding to this matter. Accordingly, the Court considers the Petition and the instant Motion unopposed. Having considered the initial Petition for Writ of Habeas Corpus for Relief from a Tribal Court Conviction Pursuant to 25 U.S.C. §1303, Petitioner's Motion and accompanying brief, the applicable law, and being otherwise fully advised, this Court finds that Petitioner's Motion for Final Order Vacating Conviction is well taken and it is granted. Mr. Pacheco's tribal court conviction and sentence are hereby vacated and set aside.

IT IS SO ORDERED.



ROBERT C. BRACK
United States District Judge